

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

LENA MICHELLE MINIARD,

Plaintiff,

-v-

THE OHIO SUPREME COURT, et al.,

Defendants.

Case No. C-3:10-cv-277

**Judge Thomas M. Rose
Magistrate Judge Michael R. Merz**

ENTRY AND ORDER OVERRULING MINIARD'S OBJECTIONS (Doc. #4) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS; ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #3) IN ITS ENTIRETY; DISMISSING MINIARD'S COMPLAINT WITHOUT PREJUDICE AND TERMINATING THIS CASE

This matter comes before the Court pursuant to pro se Plaintiff Lena Michelle Miniard's ("Miniard's") Objections (Doc. #4) to Magistrate Judge Michael R. Merz's Report and Recommendations (doc. #3). Magistrate Judge Merz was reviewing Miniard's Complaint prior to service thereof and determined that this Court does not have jurisdiction to adjudicate Miniard's Complaint

Miniard has filed an Objection to this Report and Recommendations. The time has run and the Defendants have not responded.¹

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that the Magistrate Judge's Report and Recommendations is adopted in its entirety.

¹A response is not expected since the Defendants have not been served.

This Court has not have jurisdiction over Miniard's Complaint. Pursuant to the *Rooker-Feldman Doctrine* and relevant caselaw, Miniard's Complaint must be brought into the federal system by a petition of certiorari to the United States Supreme Court. *See Peterson Novelties, Inc. v. City of Berkley*, 305 F.3d 386 (6th Cir. 2002). Thus, Miniard's Complaint is dismissed from this Court without prejudice and the Clerk shall not issue process unless further ordered by this Court. Further, Miniard's Objection to the Report and Recommendation is **OVERRULED**. Finally, this case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this Second day of August, 2010.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Lena Michelle Miniard at her last known address of record